

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14531, of Carolyn Edmondson, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3102.425 to approve a community based residential facility for eight residents where there is another community based residential facility located in the same square or within 500 feet in a R-4 District at premises 1613 H Street, S.E., (Square 1092-S, Lot 19).

HEARING DATES: January 14, and February 4, 1987  
DECISION DATE: March 4, 1987

FINDINGS OF FACT:

1. The subject property is located on the south side of H Street between 17th Street to the east and Kentucky Avenue to the west. It is zoned R-4.

2. The property is improved with a two-story plus basement row dwelling with a two-car garage at the rear.

3. The site is rectangular in shape and contains approximately 1,600 square feet of lot area.

4. The applicant currently operates a community residential facility for four residents at the subject premises. The applicant also operates a community residence facility for eight residents at 1615 H Street, S.E., immediately adjacent to the subject premises. Based on the existing space and number of staff, the applicant believes the facility can accommodate four additional residents. The applicant did not seek licensing approval for the increase in population at the facility from the Service Facility Regulations Administration of the Department of Consumer and Regulatory Affairs pending resolution of the subject special exception request.

5. The applicant proposes to increase the number of residents at the subject premises from four to eight. Section 303.3(d) provides that a community residence facility for five to eight persons is permitted as a matter-of-right in the R-4 District, provided that there is no property containing an existing Community Residential Facility for five or more residents in the same square or within 500 feet of the property. Because the property is adjacent to an existing community residence facility for eight persons, the applicant must seek Board approval

pursuant to Section 303.7 which authorizes the Board to approve more than one community residence facility in a square or within 500 feet only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise or operations.

6. The applicant's existing and proposed program provides residential facilities for a population which includes mentally retarded persons, out patients referred by St. Elizabeth's Hospital and senior citizens. Because of the diverse nature of the facilities' population, the program needs vary. The senior citizens are bussed to a day care facility daily; other residents may use public transportation to go to jobs or counseling sessions; other patients may be picked-up by family members periodically.

7. There will be two staff members who will reside on the premises. The adjacent facility has one live-in staff member.

8. The staff of the facility will park in the existing two-car garage at the rear of the site. There are very few visitors to the facility and any visitors will use on-street parking. The bus used to pick-up residents for various programs also parks on the street.

9. By memorandum dated January 7, 1987, the Office of Planning indicated that it was unable to obtain sufficient information to make a recommendation on the application. The OP did, however, enumerate its concerns, as follows:

- a. Is the subject premises of sufficient size to accommodate the space standards for a community residence facility?
- b. What is the precise nature of the residents housed at the two facilities; the total number of staff employed at both facilities; the mode of transportation used by the staff; the number of visitors to both facilities on a daily basis; and the operational characteristics of both facilities in terms of determining the cumulative impact on the immediate area?

10. At the public hearing, a representative of the OP indicated that the testimony did not completely alleviate the OP's concerns as to the cumulative impacts created by placing a total of sixteen residents in the middle of a block of row dwellings. The OP, therefore, did not make a recommendation on the subject application.

11. Advisory Neighborhood Commission (ANC) 6B, by memorandum, dated January 14, 1987, opposed the application based on the following:

- a. No compelling case for the general need for the facilities has been demonstrated in this instance.
- b. The proposed facility would violate the 500 foot spacing requirement as both facilities are in the same square and share a common wall.
- c. The residents of the block take strong exception to possible negative impacts on their property values.
- d. The neighborhood residents have grave concerns for the safety and well-being of the current residents of the facility, and the area as a whole, because of speeding traffic on Kentucky Avenue and the threat of fire posed by and to the residents due to minimal supervision.

12. The record contains several letters in support of the application.

13. Two residents testified at the public hearing in opposition to the application. The record also contains several letters in opposition to the application. The opposition was generally based on the issues raised in the ANC report, as well as the existing saturation of the area with similar facilities.

14. In addressing the issues and concerns of the ANC, as well as the opposition, the Board finds that the applicant has failed to adequately address the special exception criteria set forth in the Zoning Regulations. The applicant has not demonstrated that the facility is capable of meeting the applicable code and licensing requirements for the proposed number of residents. The applicant further did not adequately describe the existing and proposed facilities in terms of traffic, noise and operations and impacts on the neighborhood in order to address the cumulative impacts of the facilities on the immediate area.

#### CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order for the Board to grant the requested relief, the applicant must demonstrate substantial compliance with the provisions of Section 303.7 and that the relief requested will be in harmony with the


general purpose and intent of the Zoning Regulations and will not tend to adversely affect the use of neighboring property. The burden is upon the applicant to prove its case.

The Board concludes that the applicant has not met the requisite burden of proof. As set forth in Finding of Fact No. 14, the Board concludes that the applicant failed to properly describe the cumulative impacts upon the neighborhood which could possibly result from the operation of two adjacent community residential facilities in the subject location. The Board concludes that it has given the ANC 6B the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 5-0 (Patricia N. Mathews, Charles R. Norris, Paula L. Jewell, William F. McIntosh and Carrie L. Thornhill to deny).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

NO 28 2000  
FINAL DATE OF ORDER: \_\_\_\_\_

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

14531order/LJP33

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14531

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that the Order of the Board in the above numbered case, dated MAR 28 1971, has been mailed to each party who appeared and participated in the hearing concerning this matter, and who is

14531

Lucille Bryant  
1421 Minnesota Ave., S.E.  
D.C. 20020

Christopher Brown  
1600 H Street, S.E.  
D.C. 20003

Flossie Lee, Chairperson  
Advisory Neighborhood Commission 6-B  
921 Pennsylvania Avenue, S.E., #108  
Washington, D. C. 20003

89-2471

Marie Johnson  
1621 H Street, S.E.  
D.C. 20003

P-600 311 891

A handwritten signature in dark ink, appearing to be "E. L. Curry", written over a horizontal line.

EDWARD L. CURRY  
Executive Director

DATE: MAR 28 1971